IN THE HIGH COURT OF JUDICATURE AT BOMBAY : NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.489 OF 2003.

State of Maharashtra, through
Collector and District Magistrate,
Akola, Tq. & Distt. Akola.

.. **APPLICANT**.

// VERSUS //

Vinayak Parashram Telgote,
(Dead)

.... NON-APPLICANT.

Shri T.A. Mirza, A.P.P. for Applicant.
Shri Wahane, Advocate for Non-applicant.

CORAM : R.C. CHAVAN, J.

DATED : AUGUST 16, 2006.

ORDER ORDER :

This is an application under Section 482 of the Code of Criminal Procedure seeking to have proceedings, bearing Criminal Complaint No.248 of 2002 on the file of Chief Judicial Magistrate, Akola, quashed and set aside.

2. Original Non-applicant Adv. Vinayak Parashram Telgote

had filed complaint before the Chief Judicial Magistrate, Akola on 19.03.2002. The complainant had alleged that the applicant herein Mr. Anoopkumar Shrivastava, the then District Magistrate at Akola had failed to form an appropriate committee as required under the Rules framed under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (hereinafter referred to as “the S.C.S.T. Rules”) . This failure of forming appropriate committee led to neglect in looking after the grievance of persons belonging to Scheduled Castes and Scheduled Tribes after riots in the year 1997. Therefore, according to the complainant Adv. Telgote, the then District Magistrate Mr. Anoop Kumar Shrivastava was guilty of an offence under Section 4 of the S.C. S.T. (Prevention of Atrocities) Act for having failed to discharge his duties under the Act.

3. The learned Chief Judicial Magistrate, Akola directed issuance of process. The District Magistrate preferred revision before the Court of Sessions at Akola. The learned Sessions Judge dismissed the said revision petition upholding the order passed by the learned C.J.M. Aggrieved thereby, the State has filed

present application.

4. During pendency of the present proceedings the respondent unfortunately expired. This application was therefore, adjourned to consider whether the cause still survives.

5. I have heard Shri Mirza, learned Additional Public Prosecutor for the applicant/ State and Shri Wahane, learned counsel, who represents the original Non-applicant.

6. The learned counsel for the original non-applicant submitted that Late Adv. Telgote had not filed complaint to pursue any personal cause but it was seeking action against the competent authority who failed in performing their duties under the statute scrupulously. Therefore, according to him, death of Adv. Telgote need not make any difference to the survival of the cause.

7. The learned A.P.P. submitted that necessary committees

have now been formed in pursuance of Rule 17 of the S.C.S.T. (Prevention of Atrocities) Rules, therefore, continuance of the prosecution would be only of academic importance.

8. Without going into technicalities and further burdening already overburdened system of criminal justice, it would be sufficient to observe that public authorities might have been sufficiently chastened by now regarding failure to discharge their duties under the Act, which includes duties under the Rules. Therefore, in view of the unfortunate demise of Adv. Telgote, the original non-applicant, no useful purpose will be served in allowing the prosecution to continue. The prosecution is therefore, quashed, not on the grounds made out in the application filed by the State which one left untouched, but because of this intervening development.

The application is disposed of accordingly.

JUDGE

RR.